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Southco Inc v. Kanebridge Corp

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-1243

SOUTHCO, INC.,

Appellant

v.

KANEBRIDGE CORPORATION

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

District Court Judge: Honorable Norma L. Shapiro
(D.C. No. 99-cv-04337)

Argued: December 3, 2002
Reargued En Banc: October 8, 2003

Before: SCIRICA, Chief Judge, SLOVITER, NYGAARD, ALITO, ROTH, McKEE,
RENDELL, BARRY, AMBRO, FUENTES, SMITH, CHERTOFF, and BECKER,
Circuit Judges

(Opinion Filed December 3, 2004)

ORDER AMENDING OPINION

The opinion in the above case is hereby amended as follows:

At page two of the opinion delete the following:

ALITO, Circuit Judge with whom SCIRICA, Chief Judge, SLOVITER,
NYGAARD, MCKEE (Joining Parts I and II only), RENDELL,
BARRY, AMBRO, FUENTES, SMITH (Joining Parts I and II only)
and BECKER (Joining Part II only), Circuit Judges, join:

Replace with the following:

ALITO, Circuit Judge:*

BY THE COURT:

/s/ Samuel A. Alito, Jr.
Circuit Judge

DATED: December 8, 2004

*Chief Judge SCIRICA and Judges SLOVITER, NYGAARD, RENDELL,
BARRY, AMBRO, FUENTES join this opinion. Judges MCKEE, SMITH, and
BECKER Join Parts I and II.